

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 13-CR-20369-1

vs.

HON. BERNARD A. FRIEDMAN

JOHN ROBERT DAVIS,

Defendant.

ORDER TRANSFERRING DEFENDANT'S "MOTION"
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Defendant has filed a one-page letter entitled "motion" in which he inquires about the possibility of relief under *United States v. Davis*, 139 S. Ct. 2319 (2019); *Rehaif v. United States*, 139 S. Ct. 2191 (2019); and the First Step Act [docket entry 216]. Defendant also asks that he be appointed counsel "to assist the petitioner with verifying that he has relief in light of these matters." *Id.* The instant motion appears to be a second or successive 28 U.S.C. § 2255 motion, the first such motion having been filed on August 30, 2017 [docket entry 166]. A second or successive § 2255 motion "must be certified as provided in section 2244 by a panel of the appropriate court of appeals" 28 U.S.C. § 2255. When, as in this case, a second or successive § 2255 motion is filed without the required certification, the district court is required to transfer the motion to the court of appeals. *See In re Hanserd*, 123 F.3d 922, 934 (6th Cir. 1997). Accordingly,

IT IS ORDERED that defendant's "motion" is hereby transferred to the United States Court of Appeals for the Sixth Circuit

Dated: May 1, 2020
Detroit, Michigan

s/Bernard A. Friedman

Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on May 1, 2020.

John Robert Davis #48410039
Hazelton U.S. Penitentiary
Inmate Mail/Parcels
P.O. Box 2000
Bruceton Mills, WV 26525

s/Johnetta M. Curry-Williams
Case Manager